

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CHARLES NANCE

PLAINTIFF

v.

No. 1:19CV210-SA-RP

CITY OF WEST POINT, ET AL.

DEFENDANTS

**ORDER TRANSFERRING PLAINTIFF'S MOTION [127]
TO PROCEED *IN FORMA PAUPERIS* ON APPEAL
TO THE FIFTH CIRCUIT COURT OF APPEALS**

This matter comes before the court on the motion [127] by the plaintiff to proceed as a pauper on appeal. The court denied [123] the plaintiff's first motion to appeal *in forma pauperis* as not taken in good faith – and, under *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), informed the plaintiff that he could appeal that denial by “filing a separate motion to proceed *in forma pauperis* on appeal *with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit*” within 30 days of that order. Doc. 123 at 1 (emphasis added). Instead, the plaintiff filed his second *in forma pauperis* motion in this court. Rather than dismiss the motion, the court will transfer it to the Fifth Circuit so that court may consider it, as set forth in *Baugh, supra*.

The Clerk of the Court is **DIRECTED** to **TRANSFER** the plaintiff's motion [127] to proceed *in forma pauperis* on appeal to the Fifth Circuit Court of Appeals.

SO ORDERED, this, the 20th day of July, 2021.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE